

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

THOMAS FULLER,

Plaintiff,

v.

Case Number 06-14352-BC
Honorable Thomas L. Ludington

CHRISTOPHER ROGNER, JOSHUA
HERMAN, DUTCHER, BRIAN HARRIS,
SWARTZ, MITIN, JOSEPH E. AMEND,
MARK E. REENE, TOM KERN, and
TUSCOLA COUNTY,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
AND DISMISSING ALL CLAIMS AGAINST DEFENDANT MITIN WITH PREJUDICE**

Magistrate Judge Charles E. Binder issued a report and recommendation [Dkt. # 83] on February 17, 2010, recommending that Defendant Mitin's motion for summary judgment [Dkt. # 82] be granted. Either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

On March 4, 2010, the parties filed a "notice" stipulating to dismissal of all claims against Defendant Mitin. As a result of the Report and Recommendation and the parties stipulation, all claims against Defendant Mitin will be dismissed with prejudice.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 83] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion for summary judgment [Dkt. # 82] is **GRANTED**.

It is further **ORDERED** that Plaintiff's claims against Defendant Mitin are **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: March 8, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 8, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS